

APPEAL NO. 022799
FILED DECEMBER 12, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on October 4, 2002. The hearing officer determined that the appellant (claimant) was not entitled to supplemental income benefits (SIBs) for the third and fourth quarters.

The claimant appealed on a number of grounds including a stipulation to which he had agreed to at the CCH and otherwise expressing disagreement with the medical reports and the hearing officer's decision. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

Section 408.142(a) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102) set out the statutory and administrative rule requirements for SIBs. At issue in this case is whether the claimant met the good faith job search requirement of Section 408.142(a)(4) by complying with Rules 130.102(d)(4) and 130.102(e). Unappealed are the hearing officer's determinations that the claimant's unemployment was a direct result of his impairment. The claimant sustained a compensable cervical and upper back injury on _____. Much of the medical evidence, and possibly the claimant's attendance in a pain management program, involved a mental or psychological condition which apparently was not part of the compensable injury.

Rule 130.102(d)(4) provides that an injured employee has made a good faith effort to obtain employment commensurate with the employee's ability to work if the employee has been unable to perform any type of work in any capacity, has provided a narrative report from a doctor which specifically explains how the injury causes a total inability to work, and no other records show that the injured employee is able to return to work. The hearing officer found that the claimant had an ability to work and failed to look for work during every week of the qualifying periods at issue here. Inferentially the hearing officer also found that the claimant failed to document his job search efforts for every week of the qualifying periods. See Rule 130.102(e). The claimant disputes some of the medical reports but no narrative report which specifically explains how the injury causes a total inability to work was identified and there are other records which show that the claimant is able to return to light active work. The hearing officer's determinations are supported by the evidence.

The claimant stipulated at the CCH that he had a 25% impairment rating (IR) and now seeks to dispute that fact. The IR was not an issue and the claimant's stipulation cannot now be appealed. After review of the record before us and the complained-of

determinations, we have concluded that there is sufficient legal and factual support for the hearing officer's decision. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERISURE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CINDY GHALIBAS
7610 STEMMONS FREEWAY
DALLAS, TEXAS 75247.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Susan M. Kelley
Appeals Judge